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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Implementation of the) **CC Docket No. 96-98**
Local Competition Provision)
of the Telecommunications Act of 1996)

RESPONSE TO REQUEST FOR INFORMATION

BellSouth Corporation, on behalf of its affiliated companies, and by counsel
("BellSouth"), submits this response to the Commission's Request for Information - RE: "Code
Opening" Fees, dated July 31, 1997 (Request).

PROCEDURAL BACKGROUND

The information sought is, by the terms of the Request, "intended to be relied upon for
inclusion in the public record" of this docket. The Request also specifies that the Commission
"will be responsible for assuring that [responses are] included [in] the docket." Accordingly,
BellSouth submits its response with the understanding that no further submissions are required,
particularly with respect to the Commission's ex parte rules.

THE COMMISSION'S REQUEST

The Commission seeks further information to help define the following three terms, their
associated functions, and corresponding charges: "code opening fees," "charges for activating CO
codes," and "fees for assignment of CO codes." After reviewing comments filed in this
proceeding, the Commission tentatively notes the following:

- (1) Functions for "assignment of CO codes" may include receiving, processing, and
assigning NXX codes to requesting telecommunications services providers;

- (2) Functions for “activation of CO Codes” may include updating Bellcore databases to maintain accurate NXX code information and thus notifying affected carriers of the new or modified NXX code information;
- (3) Functions for “CO code opening” may include upgrading switches or other network elements to allow each affected carrier to route codes within their own network.

The Commission then sets forth four questions for which it requests answers:

- 1) Define and distinguish the terms “assignment of CO codes,” “activation of CO codes,” and “CO code opening.”
- 2) List and define the functions associated with CO code assignment. Identify the fees charged by incumbent LECs for each of the functions associated with CO code assignment.
- 3) List and define the functions associated with CO code activation. Identify the fees charged by incumbent LECs for each of the functions associated with CO code activation.
- 4) List and define the functions associated with CO code opening fees. Identify the fees charged by incumbent LECs for each of the functions associated with CO code opening fees.

BELLSOUTH RESPONSE

As an initial, conceptual matter, BellSouth agrees that there is an essential tripartite nature to the process of obtaining working central office (CO or NXX) codes. First, a carrier needs to obtain an NXX code. It obtains an NXX code by submitting a form request for an NXX code assignment to the CO Code Administrator, and having the request processed by the administrator. This describes the “CO code assignment” process. Once it obtains an NXX code, the carrier must tell the world how to route and rate calls to its newly assigned NXX code. This describes the “industry notification” process. Finally, once the industry is made aware that a carrier has a new NXX code, each carrier must take whatever steps may be necessary within individual networks to

recognize and accurately route the new NXX code. This describes the “code opening” or “code activation” process. Thus, CO Code Administrators have responsibility for making NXX code assignments, code holders have responsibility for providing the industry with pertinent details regarding new NXX codes, and the industry has responsibility for recognizing and routing (or “opening” or “activating”) the new code throughout the public switched telephone network (PSTN).

Thus, BellSouth disagrees with the nomenclature adopted by the Commission in the Request. Specifically, the second step in the process is more accurately described as “industry notification” rather than “activation of CO codes.” BellSouth has attached as Exhibit A a timeline diagram that illustrates where and when these functions occur.

Questions

1) Define and distinguish the terms “assignment of CO codes,” “activation of CO codes,” and “CO code opening.”

Answer

Assignment of CO Codes. The allocation of specific North American Numbering Plan (NANP) central office codes within a specific numbering plan area (NPA) to a specific code applicant by the NANP central office code administrator pursuant to industry approved Central Office Code Assignment Guidelines.

Activation of CO Codes. The steps taken by all carriers that will allow new central office codes to be recognized and accurately routed throughout their networks.

CO Code Opening. Another term used to describe the steps taken by all carriers that will allow new central office codes to be recognized and routed throughout their networks.

BellSouth does not distinguish between central office “code activation” and “code opening.” “Assignment of CO Codes” differs from CO code “activation” or “opening” in that assignment refers to the allocation of a specific NANP resource to a specific carrier, while “activation” or “opening” describe the steps taken by carriers on the PSTN to actually recognize and route the newly assigned resource.

2) List and define the functions associated with CO code assignment. Identify the fee charged by incumbent LECs for each of the functions associated with CO code assignment.

Answer

The functions associated with CO code assignment, originally performed by AT&T, were assigned to the dominant LEC within each NPA upon AT&T’s divestiture, and will be assumed by a neutral third party administrator within 18 months of the FCC’s selection of a new NANP Administrator.¹ Code administration (or code assignment) costs are incurred by NXX code administrators when they receive NXX code request forms, review the forms, process the request in the context of the industry-approved Central Office Code Assignment Guidelines, and either assign an available NXX code to an applicant or make a different disposition of the application in accordance with the Guidelines.

Choosing a CO Code to assign requires investigation of surrounding calling plans to pick one that does not present dialing conflicts. It also involves following local state commission orders as to the order of assignment or relevant details of any Numbering Plan Area (NPA) relief activity underway. Finally, it involves “releasing” the CO Code in the Routing DataBase

¹ See generally In the Matter of Administration of the North American Number Plan, Report and Order, 11 FCC Rcd 2588 (July 13, 1995).

System/BellCore Rating Input Database System (RDBS/BRIDS) so that the Code Holder may enter routing and rating data into those systems. A significant portion of Code Administrators' time is spent in consultation with Code applicants. These include describing the CO code assignment process, explaining the details of the guidelines and how to obtain them, detailed assistance to applicants in completion of the necessary forms, and finally, contacting applicants to resolve form fields that contain erroneous entries or no entries at all. A function easily overlooked is assessing the impact of the assignment on the life of the NPA. The collective assignment rate indicates when the NPA may exhaust, when NPA relief planning should complete and whether the NPA should be declared to be in jeopardy.

Some of the specific functions performed by BellSouth Central Office Code Administrators are set forth in the current Central Office Code (NXX) Assignment Guidelines at section 5, pages 8-10.² A copy of section 5 of the Guidelines is attached as Exhibit B. Moreover, the Commission should refer to the functions described in section 5.2.2, Central Office Code Request Processing, in the February 20, 1997, North American Numbering Plan (NANP) Requirements Document, for a list of the central office code assignment functions to be performed by the new NANP Administrator.³ A copy of section 5.2.2 of the NANP Requirements Document is attached hereto as Exhibit C.

BellSouth, as an incumbent local exchange carrier central office administrator, does not currently charge for any of the functions performed above. BellSouth's costs of providing the

² INC 95-0407-008 (Reissued April 1997).

³ North American Numbering Council (NANC), North American Numbering Plan (NANP) Requirements Document (February 20, 1997) at 36.

industry CO code administration services are, however, clearly recoverable. The 1996 Act provides that the cost of number administration shall be borne by all carriers on a competitively neutral basis, and the Commission has determined that incumbent LECs may charge carriers fees for NXX code assignment as long as one uniform fee is charged for all carriers, including itself or its affiliates.⁴

In addition to such fees, incumbent LECs who act as central office code administrators should be able to charge for additional work relating to code assignment that may be requested by code applicants beyond the general assignment process. Specifically, NXX code applicants may have questions on how to prepare Parts 1 and 2 of the NXX code application forms that require assistance beyond what would be reasonable and customary for an NXX code administrator to provide, and cause costs beyond those that are normally anticipated in connection with standard code administration functions. Many entities do not have personnel with sufficient expertise to understand and locate the detailed information required to furnish complete data pertaining to rate centers, vertical and horizontal coordinates, and RDBS/BRIDS data inputs. Such entities may hire a consultant, or another experienced carrier, such as an ILEC, to assist it in these functions. An ILEC acting as an NXX code administrator must not be compelled to expend vast amounts of personnel time and resources with no compensation on behalf of carriers who, on entering this industry, should assume the responsibility to make the necessary arrangements to obtain the necessary technical sophistication and expertise.

⁴ 1996 Act, 47 U.S.C. § 251(e)(2); Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, FCC 96-333 ¶¶ 332-33 (Aug. 8, 1996)(“Second Report and Order”).

The right to charge for such additional work is reflected in the NANP Requirements Document. Section 7.3 “Optional Enterprise Services” describes possible services that may be provided by the new NANP Administrator for a specific fee, subject to prior approval by NANC.

1. Provide training services concerning all aspects of numbering, including central office code assignment, administration and implementation.
2. Provide customized reports concerning number resource assignment.

In addition, providing the rating and routing input to the RDBS/BRIDS for code applicants that request the new NANP Administrator to input the information contained in Part 2 of the CO Code Administration Guidelines, including reviewing the information, assisting in the preparation of the information and the actual inputting of the information in the associated databases, is listed in the NANP Requirements Document as a “Required Enterprise Service” of the new NANP Administrator.⁵ Thus, the NANC has recognized that the new NANP Administrator may charge an additional fee when requested to perform this work. If a former central office code administrator is requested to perform such work on behalf of another carrier, it should be free to charge a specific fee for these services and, after transition, it should be free to decline to perform these services.

3) List and define the functions associated with CO code activation. Identify the fees charged by incumbent LECs for each of the functions associated with CO code activation.

Answer

Based on the Commission’s tentatively noting that functions for “activation of CO Codes” may include updating Bellcore databases to maintain accurate NXX code information and thus

⁵ NANP Requirements Document at p. 41, § 7.2.

notifying affected carriers of the new or modified NXX code information, BellSouth believes the Commission is here referring to what should be more precisely described as “industry notification.” BellSouth does not distinguish between central office “code activation” and “code opening.” “Industry notification” differs from CO code “activation” in that notification refers to entering of new NXX routing and rating data into existing national databases, while “activation” or “opening” describe the steps taken by all carriers on the PSTN to actually recognize and route the newly assigned resource.

Industry notification functions are the processes by which the Bellcore-Traffic Routing Administration (TRA) databases (RDBS/BRIDS) are updated to reflect 0/1XX and NXX code activity, switching entity activity, and the like. The BRIDS products are used by the industry for toll message rating purposes, and the RDBS products are used for routing purposes to activate or modify codes in the PSTN. These processes involve data entry into BRIDS and RDBS to establish and maintain records for 0/1XX and NXX codes, switching entities, Rate Centers, Localities, Revenue Accounting Offices, Business Offices, and Special Calling Cards. Carriers who are assigned NXX codes may perform the BRIDS/RDBS data entry function themselves, or they may negotiate with another company to perform this function on their behalf, e.g., a consultant, another carrier, or an NXX code administrator. Whoever performs the data entry or “industry notification” function (whether the carrier to whom the NXX code is assigned or a third party acting on behalf of the carrier) becomes the Administrative Operating Company Number (AOCN) entity for the purpose of receiving annual recurring “per records” charges from the Bellcore-TRA for records resident in the BRIDS and RDBS databases.

The industry notification functions are also described in the current Central Office Code Assignment Guidelines at § 5.3 (Exhibit B) and in the NANP Requirements Document at § 5.2.3 (Industry Notification Procedures) (Exhibit C).

Although BellSouth does not at present charge for these functions, it should not be precluded from doing so. Sophisticated carriers can, and today do, perform all of their NXX code data entry, modification and maintenance in house. They can also assume AOCN responsibility for their own NXX and Switching Entity records. Therefore, if an ILEC is requested to perform any or all of these functions on behalf of another carrier, it should not be precluded from charging an appropriate rate for these services, including the expenses associated with them. Further, when an ILEC acts as AOCN on behalf of other carriers, it must not be precluded from seeking reimbursement for all charges assessed upon it by the NANPA or Bellcore's TRA by reason of its AOCN status.

As stated above, the NANC has recognized that the new NANP Administrator may charge an additional fee when requested to perform industry notification procedures, which are classified in the NANP Requirements Document as "Required Enterprise Services."⁶ Again, if a former central office code administrator is requested to perform such work on behalf of another carrier, it should be free to charge a specific fee for these services and, after transition, it should be free to decline to perform these services.

⁶ Id.

4) List and define the functions associated with CO code opening fees. Identify the fees charged by incumbent LECs for each of the functions associated with CO code opening fees.

Answer.

After each carrier on the PSTN who subscribes to the BRIDS and/or RDBS products receives notification of new or modified NXX information, each affected carrier performs the code opening functions to properly activate, or route, the codes within their own network. Depending upon the carrier, the affected code, and the code used, a code may be opened in systems ranging from a single private branch exchange (PBX) or coin telephone to a host of switches in an ILEC, CLEC, or interexchange carrier network. BellSouth takes the following steps to “open” or “activate” other carriers’ NXX’s within BellSouth’s network.

An internal document called a Code Memo is prepared and distributed to over 100 different individuals within BellSouth. These individuals perform a wide variety of tasks upon receipt of the Code Memo. The tasks include:

- Entering the NXX in the Customer Records Billing System CO Database File so that it appears on the Service Representatives’ screens when appropriate;
- determining whether existing trunk groups that will be carrying the NXX should be augmented and which trunk groups should handle overflow traffic;
- entering call processing translations in the end office switching systems;
- setting up automated testing to have all local switches call the new NXX;

- reviewing automated testing results to determine whether any end offices were unable to complete calls to the new NXX;
- entering the new NXX into the Operator Services database;
- entering the new NXX into the white pages directory database;
- entering the new NXX into Carrier Access Billing database;
- entering the new NXX into emergency restoration, cable repair, and public coin set maintenance databases;
- updating the automatic route selection systems of large end users.

Even cable repair group databases must be updated so that when a trouble is reported by NXX, the repairperson will know where the trouble is located. The Commission has determined that any fees charged by ILECs for opening NXX codes must not be unjust, discriminatory, or unreasonable.⁷ BellSouth has advised the Commission that it does not intend to charge other carriers fees for the costs that BellSouth incurs in modifying its own network to recognize new or modified NXX data. ILECs that choose, however, are subject to the rule set forth in the Second Report and Order; all LECs and IXC's should be subject to a similar rule.

CONCLUSION

There are three main processes relating to a telecommunications carrier obtaining working central office ("NXX") codes: (1) code administration (or "assignment") functions; (2) industry notification functions; and (3) code opening (or "activation") functions. Each of these processes involves different activities that involve different costs. The Commission's Report and Order, as

⁷ Second Report and Order at ¶ 333.

well as its recent Request for Information, speaks to two of these processes, code assignment and code opening (or “activation”), but not to industry notification

Earlier in this proceeding BellSouth requested clarification from the Commission that its determination that charging different code opening fees for different providers or categories of providers of any telecommunications service is illegal was not meant to preclude the recovery of ongoing costs incurred by LECs on behalf of their customers for ongoing maintenance of numbering information in RDBS and BRIDS, as well as for AOCN responsibilities assumed by LECs at the request of other carriers.⁸ BellSouth’s request for clarification was intended to clarify that the terms “code assignment” and “code opening” have very specific meanings, and that ILECs such as BellSouth should not be precluded from recovering the costs associated with activities that are neither a necessary part of their NXX code assignment responsibilities as an incumbent LEC CO code administrator nor a part of the code opening functions that BellSouth must perform within its own network. When requested to perform these functions on behalf of other carriers, ILECs are entitled to make their own business decision as to whether to undertake them as well as what, if anything, to charge for services rendered. In addition, the cost of the code administration function itself is clearly recoverable. ILECs which are also central office code

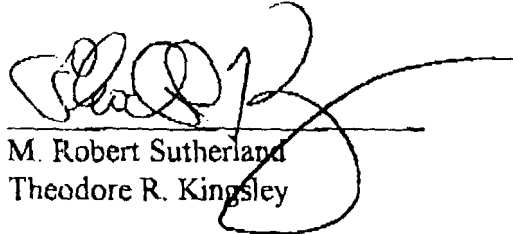
⁸ BellSouth Petition For Clarification or Reconsideration at 9.

administrators, should be able to charge carriers fees for NXX code assignment as long as one uniform fee is charged for all carriers, including itself or its affiliates.

Respectfully submitted,

BELLSOUTH CORPORATION

Its Attorneys



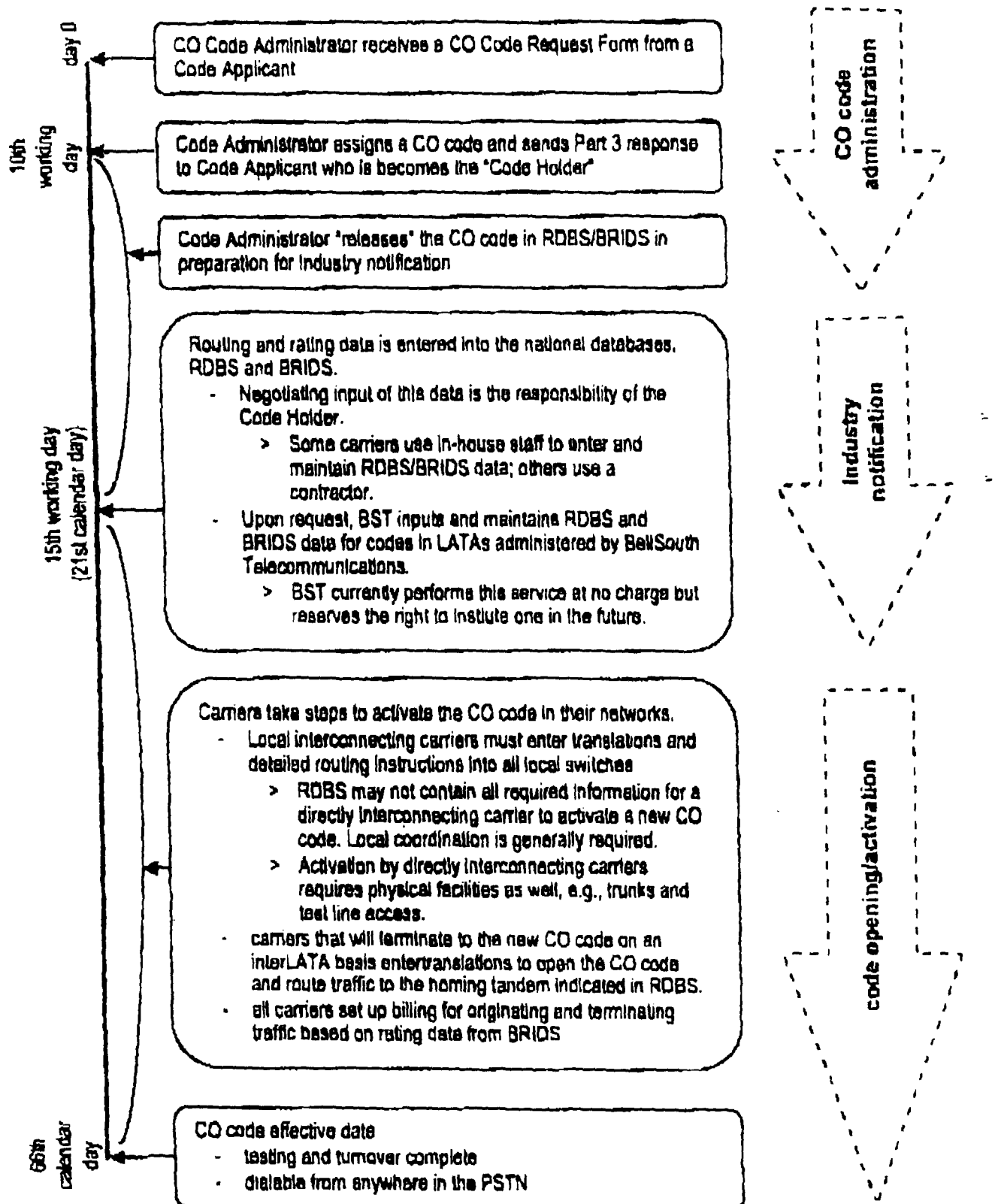
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DATE: August 19, 1997

EXHIBIT A

Establishing a new CO Code or modifying an existing one.



to provide service when the applicant has provided a proposed use date within twelve months.

Upon written request to the Code Administrator(s), one reservation extension of six months will be granted when the proposed code use date will be missed due to circumstances beyond the control of the applicant (e.g., hardware, software provision delays, regulatory delays, etc.). See Section 7.

No reservation will be made unless the applicant will meet the requirements of code assignment as outlined in Section 4 for initial codes or for additional codes, dependent upon whether the reserved code is to be an initial or additional code.

If a reserved code is not activated within eighteen months, the code will be released from reservation. See Section 7.

When the reservation was due to technical constraints (e.g., Step-by-Step switches) solely, the reservation will be extended until the constraint is no longer present.

- 4.5 A code assignment should not be delayed to an applicant who meets all certification and licensing requirements, if any, when all required tariff filings have been made to provide the service, when approval can be reasonably expected within the established tariff approval timeframe, and when the expected tariff approval date will fall on or before the requested effective date.

5.0 CO Code (NXX) Assignment Functions

The Code Administrator(s) shall:

- 5.1 Provide copies of the central office code assignment guidelines when requested by applicants, including timely notification of changes.
- 5.2 Receive and process applications for CO codes (NXX) from within the geographic NPA for which the CO Code Administrator(s) is responsible.
 - 5.2.1 Receive NXX Code request and determine if the request is in compliance with code assignment policies and guidelines.
 - 5.2.2 Respond within 10 working days from the date of receipt of an application form by completing the response portion that is part of these guidelines.

Central Office Code (NXX) Assignment Guidelines

September 1996 Revision

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- 5.2.3 Review the documentation and determine if the code request is in compliance with these code assignment policies and guidelines. In cases where a code application is denied, provide specific reasons for the denial to the applicant in writing and where to make an appeal.
 - 5.2.4 Select an unassigned code for assignment.
 - 5.2.5 For electro-mechanical switches, perform technical analysis as necessary to determine the appropriate CO code (NXX) to assign.
 - 5.2.6 Perform the notification functions in jeopardy NPA situations. See Section 8.3(a).
 - 5.2.7 Maintain records on codes assigned plus those available.
 - 5.2.8 Collect and forward to NANPA records of codes assigned or used in the Central Office Code Utilization Survey (COCUS).
 - 5.2.9 Ensure, concurrent with assignment of an NXX to code applicant, that an NPA, NXX, and the OCN of the code applicant are input to RDBS to indicate that a specific NXX has been assigned to an applicant. This will allow for additional entries into RDBS which may or may not be performed by the Code Administrator.
 - 5.2.10 Perform the code reclamation procedures outlined in Section 7.
 - 5.3 At the request of the code applicant and if the Code Administrator is the authorized party to input the data, the Code Administrator will input/revise the RDBS and/or BRIDS assignment information provided by the applicant on the Central Office Code (NXX) Assignment Request and Confirmation Forms. Authorization and/or data input responsibilities are determined on an Operating Company Number level. If the Code Administrator does not have the Administrative Operating Company Number (AOCN) responsibility for the data inputs, the code applicant will contact Bellcore-TRA to determine the correct AOCN company and make other arrangements for entering the data into RDBS and BRIDS. See Section 1.8 of Part 1 of the request form.
 - 5.4 The following functions have an impact on the accurate routing of calls and are especially applicable to both newly assigned numbers and to the reassignment of existing CO codes.

- 5.4.1 Analyze and help resolve problems related to misrouted calls and calls that cannot be completed. Such trouble investigations should be initiated in the NPA in which the incomplete call originated.
- 5.4.2 Track switch cutovers and code reassignments, and perform other operational functions; e.g., code reclamation.
- 5.4.3 Ensure that the code applicant places the code in service within the time frame specified in Sections 6.3.3 and 4.4 of these guidelines. If the assigned code is not used within this time frame, the Code Administrator(s) shall request the return of the code for reassignment.
- 5.5 It is recognized that the overall code administration process, e.g., planning for number relief, is related to and will require exchange of information with the CO code (NXX) assignment process. The additional functions associated with code administration, related to CO codes (NXX) are described in Sections 7 and 10.
- 5.6 The Code Administrator may, on occasion, be requested by regulators or through INC recommendations or guidelines to set aside as reserved specific CO codes. If an applicant requests one of the set-aside codes, the Code Administrator will advise the applicant of the reasons the code has been set aside. Should the applicant be unwilling to accept any other available CO code, the Code Administrator shall respond with a Code Administrator's Response/Confirmation marked "Assignment activity suspended by the administrator." The "Explanation" section will state that the code has been set aside and will identify the body that directed the Code Administrator to do so. The applicant may then ask that body to advise the Code Administrator on whether or not to assign the requested set-aside code.

6.0 Responsibilities of Code Applicants and Holders

Entities requesting new CO code (NXX) assignments as well as entities already assigned CO codes shall comply with the following:

6.1 The Application Process

- 6.1.1 Code applicants for initial and/or additional CO code (NXX) assignments shall submit their requests to the appropriate Code Administrator(s) using the Central Office Code (NXX) Assignment Request and Confirmation Form (Code Request Form). One application form is required per NXX code requested. The code applicant will complete all required entries on the Code Request

EXHIBIT C

3. Provides assistance to users of numbering resources and suggests alternatives, when possible, that will optimize number resource utilization.
4. Maintains working knowledge of local dialing plans.
5. Assists Code Applicants in understanding and completing the Part 1 form contained in the CO Code (NXX) Assignment Guidelines.
6. Responds to inquiries regarding available CO Codes.

5.2.2 Central Office Code Request Processing

1. Receives and processes applications for CO Codes in accordance with CO Code (NXX) Assignment Guidelines, INC 95-0407-008.
 - Reviews CO Code Request Form entries for compliance with CO Code (NXX) Assignment Guidelines
 - Maintains knowledge of the eligibility requirements necessary to be assigned CO codes
 - Initiates inquiries to Code applicant as necessary to gain clarification or additional information
2. Assigns a central office code.
3. Applies CO Code conservation practices in accordance with the CO Code (NXX) Assignment Guidelines
4. Selects a CO Code that does not present dialing, routing or rating conflicts.
5. Requests and obtains local dialing plans and maintains this information for use in making CO code assignments (this may require regulatory action for effective implementation).
6. Provides a response to CO Code applicants within the time frame specified in the CO Code (NXX) Assignment Guidelines (i.e., assign, seek additional information or deny assignment).
7. Verifies that applicants place the codes in service within the time frames specified in the CO Code (NXX) Assignment Guidelines.
8. Adapts assignment practices in accordance with changes to the CO Code (NXX) Assignment Guidelines and regulatory directives.

5.2.3 Industry Notification Functions

1. Follows the CO Code (NXX) Assignment Guidelines for notification of CO Code assignments which is currently performed by entering data directly into RDBS/BRIDS. (The RDBS ACD screen must indicate that the NPA/NXX is assigned before any party can enter routing and rating data into RDBS/BRIDS. The CO Code administrator currently enters the NPA/NXX, Operating Company Number (OCN) and Effective Date in accordance with the